

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1952

H.P. 1427

House of Representatives, March 1, 1994

Resolve, to Develop a Career Criminal Act.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative PLOWMAN of Hampden.

Cosponsored by Representatives: AIKMAN of Poland, ALIBERTI of Lewiston, AULT of Wayne, BAILEY of Township 27, BAILEY of Farmington, BARTH of Bethel, BENNETT of Norway, BIRNEY of Paris, BOWERS of Washington, BRUNO of Raymond, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, CLARK of Millinocket, CLEMENT of Clinton, CLUKEY of Houlton, COFFMAN of Old Town, COTE of Auburn, DiPIETRO of South Portland, DONNELLY of Presque Isle, DUTREMBLE of Biddeford, FARREN of Cherryfield, FOSS of Yarmouth, GOULD of Greenville, GREENLAW of Standish, HEINO of Boothbay, HOGLUND of Portland, HUSSEY of Milo, JACQUES of Waterville, KETTERER of Madison, KNEELAND of Easton, LEMONT of Kittery, LIBBY of Kennebunk, LINDAHL of Northport, LOOK of Jonesboro, MARSH of West Gardiner, MICHAEL of Auburn, MORRISON of Bangor, NASH of Camden, PARADIS of Augusta, PENDLETON of Scarborough, POULIOT of Lewiston, REED of Falmouth, REED of Dexter, ROBICHAUD of Caribou, ROTONDI of Athens, SIMONEAU of Thomaston, SMALL of Bath, SPEAR of Nobleboro, TARDY of Palmyra, TAYLOR of Cumberland, TRUE of Fryeburg, TUFTS of Stockton Springs, VIGUE of Winslow, WHITCOMB of Waldo, WINN of Glenburn, Senators: AMERO of Cumberland, BERUBE of Androscoggin, CARPENTER of York, CIANCHETTE of Somerset, CONLEY of Cumberland, FOSTER of Hancock, HALL of Piscataquis, HARRIMAN of Cumberland, WEBSTER of Franklin.

2 **Preamble.** Whereas, the Legislature finds that community
protection from persistent offenders is a priority for any
civilized society; and

4 Whereas, in our State there exists an unacceptable
6 percentage of criminals convicted in our State who have active
prior criminal histories; and

8 Whereas, punishments for criminal offenses should be
10 proportionate to both the seriousness of the crime and the prior
criminal history; and

12 Whereas, the public has the right and the responsibility to
14 determine when to impose a life sentence; and

16 Whereas, the Legislature finds that sentencing 3-time, most
serious offenders to prison for life without the possibility of
18 parole shows the intent to improve public safety by placing the
most dangerous criminals in prison; reduce the number of serious,
20 repeat offenders by tougher sentencing; set proper and simplified
sentencing practices that both the victims and persistent
22 offenders can understand; and restore public trust in our
criminal justice process; now, therefore, be it

24 **Sec. 1. Criminal Law Advisory Commission to develop a Career
26 Criminal Act. Resolved:** That the Criminal Law Advisory Commission
is directed to develop a Career Criminal Act to be presented to
28 the Legislature for consideration; and be it further

30 **Sec. 2. Content of Act. Resolved:** That the Criminal Law
Advisory Commission shall consider as critical components of the
32 Career Criminal Act the following:

34 1. Appropriate sentencing enhancements that address repeat
violent crimes;

36 2. Offenses meriting enhancement, including murder; any
38 crime classified as Class A or Class B; any Class C sex offense,
traffic offense, drug offense or assault; and any other offenses
40 that the Criminal Law Advisory Commission considers to be of an
equally serious nature; and

42 3. Provisions to restrict repeat violent criminals from
44 eligibility for community custody, furlough, home detention,
partial confinement, work release or any other form of early
46 release or authorized leave of absence from a correctional
facility while not in the direct custody of a corrections
48 officer, except in the case of an offender in need of emergency

2 medical treatment or for the purpose of commitment to an
inpatient treatment facility.

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STATEMENT OF FACT

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This resolve directs the Criminal Law Advisory Commission to
8 develop a Career Criminal Act.

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16 This document has not yet been reviewed to determine the
need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.